Secrt. II-27—45,606—18-12-80.

Land Assignment (19) Department.

1st SERIES

G.O. No.

DATED

[Despatch Abstract.]

Lots - Village Courts Act - Amendment to Rules 6 (1) and (2) - Disqualification of members of taluk boards for election - Proposal of the Collector, South Kanara - Negatived.

(General) DEPARTMENT L.G396uB
24.8.31

Received ..... 19 *Registered* 19

23 AUG 1931 LAW DEPARTMENT

E

Subject.

courts - Village Panchayat - Disqualification -
Board members - Civil Procedure Code.

(S) [illegible]

ENCLOSURES.
No. .....
.....
Spare copies .....

[illegible] No. [illegible]

Station [illegible], *Dated the* [illegible] 19

From (Name) [illegible]
(Designation) [illegible]

To The Secretary to the Government of Madras,

L (General) Department,

Sir,

[illegible] been issued to [illegible] (a) & (b) of the [illegible] the Village Courts Act. [illegible] disqualification of the Village Panchayat [illegible] Panchayat Court which [illegible] the local area of the Panchayat. Under Section [illegible] Local Boards Act 1920, as modified by [illegible] there shall be constituted a Panchayat [illegible] under the second proviso to Section [illegible] Panchayat for [illegible]

p 17 of the P.C Manual (amended)

had (9)

Ibid

C.No.3964-B.

From the Collr., South Kanara, Letter No.B.3-8043/31, dated 20.8.31.

Subject:- Village Courts Act- Amendment to rule 6 disqualifying members of taluk boards for election.

A.S.

Rules 6A(1) and (2) of the rules framed under section 78 of the Village Courts Act, as amended by G.O.No.2668 L.G. dated 10.7.31, disqualify the members of Panchayat boards constituted under the Madras Local Boards Act, 1920, as amended, to Panchayat Courts for election.

2/- The Collr of S.Kanara now brings to notice that under the second proviso to sec.6(2) of the Local Boards Act, 1920, as amended, the taluk board is authorised to exercise the powers and perform the functions of panchayats in areas where no panchayats have been constituted. He holds that under the rules 6 (1) and (2) the disqualification of members of panchayat boards could be logically extended to members of the taluk board when the latter functions in the place of panchayats; whereas, taluk board members in places where there are panchayats cannot be so disqualified for election to Panchayat Courts. He requests to be informed whether his interpretation is correct. He therefore suggests an amendment to rule 6 by way of addition as follows to disqualify Taluk Board members altogether from election to Panchayat Courts.

" 6 (g) is a taluk board member.

3/- It may be observed that under all conditions the disqualification applied to Panchayat members cannot be extended to Taluk board members, and there is nothing in the rule to suggest the Collr's interpretation by implication. As for his proposal to extend the disqualification to members of taluk boards, it may perhaps be negatived in the light of the following:-

(i) Under section 6(1) of the amended Local Boards Act, there shall be a panchayat constituted for each village. Cases where there are no panchayats should therefore form more an exception than a general rule. It is perhaps to meet such cases that the second proviso has been added to ~~the said~~ section, 6(2)

A

(ii) The jurisdiction of a taluk board is wider than that of a panchayat board which is restricted to the village for which it is constituted.

(iii) Residence in the village for which the Panchayat Court is constituted is one of the ~~qualifications~~ conditions prescribed for election. Cases where ~~there is a coincidence of the~~ it happens that a taluk board member ~~being~~ is both a ~~member~~ resident of the village where there is a Panchayat Court and a party to the proceedings of the taluk board functioning as a panchayat board for that area, which happens also to be the subject matter for disposal by the panchayat court, should be rare.

(iv) Even should such a contingency arise, the provisions of section 16 (2) of the Village Courts Act provide a sufficient safeguard. ~~The absence of~~ ~~the~~ The remarks of L.S.G. may, however be ~~sought~~ obtained on the Collr's proposal before decision is reached

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L.S.G.

LG 3964B-1
7.9.31

L.S.G.

This dept may agree with

with Law (Genl) in the view that the Collector's interpretation of the rules and the G.O 13 that is not correct. It seems neither necessary nor desirable to apply the disqualifications imposed by the rules in G.O No 266 & Local (D.) 30 to members of Taluk Boards.

~~With these remarks the file may be returned to Law (Genl) Dept~~

MM 23/9

WB 17.8.31

With reference to the note of the Law Dept'o endorsed A on page 2 supra, it is submitted that under section 6(1) of the MLB Act there shall be a panchayat for every village, which with reference to section 3(23) and 5(1) means any part of a revenue taluk which has been declared to be a village for purposes of the MLB Act. The number of villages which have panchayat boards is less than 5000 for the whole presidency. A very large no of revenue villages have no panchayats constituted for them. However as stated by Law Dept'o cases of the kind referred to in the second proviso to sec 6(2) ~~where the taluk boards would be~~ would be rare.

The

The case may be returned to Law Deptt

23.9.31

Law (Genl) ...

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Law (General)

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The note of L.S.G. at pages 2-3 ante may be perused

A draft order is put up.

25.9.31

25.9.31

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28/9/

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29-9-31

30-SEP-1931
LAW DEPARTMENT

Sectt. II-6 (b)—15,006—6-11-29. (Part I) DEPARTMENT

	Date.	Initials.
When received for Fair-copying.		
When copied ..	1/10	
When examined ..	1/10/31	
When signed ..		
When despatched ..		

Subject.

Village Courts Act- Amendment to the (d) and (e)- Disqualification of persons to be voters for election.- Thanks to Collector, South [illegible]- acknowledged.

30/1/31

READ AGAIN G.O. No. [illegible], dated 19 ..... 19 (S)

" " " " ..... " 19

READ ALSO:—

C. No. 2864-3 From the Collr., South [illegible], Regl. No. [illegible], dated 26. 3. 19 19

" " ..... " ..... " ..... " 19

" " ..... " ..... " ..... " 19

3700

ORDER. No. ~~1604~~, dated 1. 10 1931

The Collector of South [illegible] informed that the disqualifications for members of Panchayats prescribed in rules [illegible] rules framed under the Village Courts Act, [illegible], published in the Fort St. George Gazette dated 20.1.31, apply not to members of the Panchayats. ~~The question of~~ The question of the rules does not arise ~~in this case~~. The Government also ~~do not think~~ think it necessary to extend the [illegible] to members of the Panchayats.

(S)

Dpd. by [illegible]
Chkd. initials
Date 2-10 1931

[illegible] Collr., South [illegible]
[illegible] Secretary. ✓

25.9.31

26/9

28/9/31